



Department of Homeland Security Labor & Employee Relations Reform

Working for America

UNITED STATES OFFICE OF PERSONNEL MANAGEMENT



Message from the President

“The agencies that join the Department of Homeland Security tomorrow will retain their longstanding responsibilities. And, of course, the individuals who join the Department will retain their rights as federal workers. Each agency, with its own proud and honored tradition, will also gain a new mandate and must adopt a new mind set.”

- George W. Bush



Message from the Director



“The design team has done excellent work identifying a broad range of human resource options in the areas of pay, performance, labor-management relations, discipline and appeals. This information will be invaluable as we continue the process of fulfilling our mandate to establish a world class personnel system that will best enable the Department of Homeland Security to protect America while at the same time protecting Merit System principles.”

- Kay Coles James

Background

Homeland Security Act of 2002



Background

DHS/OPM HR System Design Team



Proposed Regulations

5 CFR 9701

- Adverse Actions – Subpart F
- Appeals – Subpart G
- Labor -Management Relations – Subpart E



Adverse Actions

- Waivers
 - I. Suspension of 14 days or less
 - II. Removal, suspension for more than 14 days
reduction in grade, furlough for 30 days or
less
 - III. Administrative Law Judges
 - IV. National Security
 - V. Senior Executive Service



Adverse Actions

- Employees Covered
 - Initial Service Period
- Actions Covered



Adverse Actions

- Single Process for Unacceptable Performance and Misconduct



Adverse Actions

- Standard for Action
 - Proof
 - Nexus



Adverse Actions

- Mandatory Removal Offenses (MRO)
“Direct and Substantial Impact”
 - Notice
 - Reply
 - Decision



Adverse Actions

- Procedures
 - Notice
 - Reply
 - Decision



Appeals

- Waivers
- MSPB
 - Consultation
 - 2 year review
 - Coverage



Appeals

- Summary Judgment
- Timeframes
- Discovery
- OPM Intervention
- Standard of Proof
- Settlement Discussions



Appeals

- Decision to Reverse Agency Action
- Mitigation
- Attorney Fees
- Judicial Review
- Actions Involving Discrimination
- VEAP



Appeals

- Mandatory Removal Offenses
 - Adjudicating Official Review
 - Panel Review



5 CFR 9701 Subpart E, Labor-Management Relations (proposed regulation)

- Purpose
 - Designed to be flexible and contemporary - enable rapid threat response
 - Provide for deference to Department's mission.
 - Recognize right of employees to organize and bargain collectively



5 CFR 9701 Subpart E, Labor-Management Relations (proposed regulation)

- Homeland Security Labor Relations Board
 - Composition
 - Duties and Powers
 - Judicial review
 - Federal Labor Relations Authority



5 CFR 9701 Subpart E, Labor-Management Relations (proposed regulation)

- Representation rights and duties
 - Standards of conduct for Union officials
 - Meetings with employees
 - Information requests



5 CFR 9701 Subpart E, Labor-Management Relations (proposed regulation)

- Appropriate Unit
 - Definition
 - Exclusions



5 CFR 9701 Subpart E, Labor-Management Relations (proposed regulation)

- Management Rights and duty to bargain
 - Core management rights
 - Impact and implementation bargaining
 - Non-negotiable Department regulations
 - Impact on collective bargaining agreements
 - Time limits
 - Consultation



5 CFR 9701 Subpart E, Labor-Management Relations (proposed regulation)

- Grievance Procedures
 - Appealable adverse actions
 - Performance ratings



Contact Information

For more information,
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